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USDJ SDNY

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Honorable Lawrence M. McKenna
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
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Re: *Adelphia Recovery Trust v. Bank of America, N.A., et al.*, 05 Civ. 9050

Dear Judge McKenna:

We write to raise two issues with Your Honor regarding the summary judgment reply briefs to be filed by the various Bank Defendants on Monday, July 26, 2010.

Defense counsel are seeking to coordinate their briefing. To that end, we presently anticipate that our reply briefs in support of the Bank Defendants' omnibus summary-judgment motions—directed to the claims for aiding and abetting breach of fiduciary duty and fraud, fraud, and the Bank Holding Company Act—will total 120 pages or less (plus a short response to the ART's Rule 56.1 statement and motion to strike). Defense counsel expect that the reply briefs addressing the remaining bankruptcy avoidance claims—against the margin lenders, Goldman Sachs, CIBC, and Bank of Nova Scotia—will total 90 pages or less. Finally, we anticipate that each affiliated group of institutions that filed a "supplement" to the omnibus motions will file an individual reply generally in the range of 10 to 25 pages each.

While we will serve our papers on counsel for the ART on Monday, July 26, according to the schedule Your Honor has approved, we would ask that the Court give us until the next morning to effect the actual filing, given the need to file the papers under seal. The Court was amenable to similar requests made by the Bank Defendants and the ART for the opening motions and opposition papers. We would then deliver courtesy copies of all motion papers to Your Honor's Chambers at one time, on the morning of Tuesday, July 27.

We hope that this meets with Your Honor's approval. If so, we would appreciate it if Your Honor could endorse this letter. We are, of course, available to discuss any issues.

Respectfully Submitted,

Philip D. Anker

cc: All counsel (via email)

Approved & ordered:

L. M. J. 7/26/10

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JUL 26 2010 - 3:00 PM